

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REIKO ELIO PENUNURI,

Defendant.

8:18–CR–152

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

This matter is before the Court on the *pro se* Motion to Reduce Sentence filed by Defendant Reiko Elio Penunuri, [Filing 470](#), and the Motion to Withdraw filed by Federal Public Defender, Mr. David R. Stickman. [Filing 484](#). After the Defendant filed his Motion to Reduce Sentence, the Office of the Federal Public Defender was appointed to represent him pursuant to General Order No. 2023-09. [Filing 469](#). The purpose of this appointment was to determine whether the Defendant qualified “for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of [U.S.S.G. § 1B1.13](#) or [U.S.S.G. § 1B1.10](#) providing for the retroactive application of Amendment 821[.]” [Filing 469 at 1](#). Mr. Stickman has moved to withdraw as counsel because “the Defendant was not assessed any ‘status criminal history points’ in the Presentence Investigation Report and therefore no sentence reduction on this basis is allowed.” [Filing 484 at 1](#). The United States Probation Office also submitted a worksheet in this case which states that the Defendant is not entitled to a reduction. [Filing 495 at 1](#).

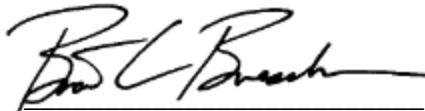
The Court has conducted its own review of the Defendant’s *pro se* Motion along with other relevant matters in the record. The Court concludes that the Defendant is not entitled to the sentencing relief he seeks. His *pro se* Motion is without merit and will be denied. The Court likewise concludes that Mr. Stickman’s Motion to Withdraw should be granted for the reasons he set forth in his Motion. Accordingly,

IT IS ORDERED:

1. Federal Public Defender David R. Stickman's Motion to Withdraw, [Filing 484](#), is granted; and
2. Reiko Elio Penunuri's *pro se* Motion to Reduce Sentence, [Filing 470](#), is denied.

Dated this 26th day of April, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge